

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

KAREEM RANDOLPH,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01357

BETSY JIVIDEN, et al.,

Defendants.

ORDER

Pending before the Court are Defendants Betsy Jividen and J. T. Binion's Motion to Dismiss, (ECF No. 8), and Defendants PrimeCare Medical of West Virginia, Inc., and Jessica Thornhill's Motion to Dismiss and Alternative Motion for Summary Judgment, (ECF No. 14). By Standing Order entered on January 4, 2016, and filed in this case on October 16, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 3.) Magistrate Judge Tinsley filed his PF&R on December 11, 2019, recommending that this Court dismiss Plaintiff's claims for injunctive relief as moot, dismiss Plaintiff's claims against Defendants for failure to state a claim upon which relief can be granted, or, in the alternative, dismiss this matter for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (ECF No. 19.)

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation

to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due on December 30, 2019. (ECF No. 19.) To date, Plaintiff has failed to submit any objections in response to the PF&R, thus constituting a waiver of *de novo* review and Plaintiff's right to appeal this Court's order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 19), **GRANTS** Defendants Jividen and Binion's Motion to Dismiss, (ECF No. 8), **GRANTS** Defendants PrimeCare Medical and Thornhill's Motion to Dismiss, (ECF No. 14), and **DISMISSES** this action **WITHOUT PREJUDICE** from the docket of the Court.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 3, 2020



THOMAS E. JOHNSTON, CHIEF JUDGE